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CLERK U.S. DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT TACOMA	
BY	DEPUTY

UNITED STATES DISTRICT COURT

for the
Western District of Washington

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)

Five cellular phones in the custody of the Drug
Enforcement Administration, more fully described in
Attachment A

Case No. MJ20-05068

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

Five cellular phones, more fully described in Attachment A, incorporated herein by reference.

located in the Western District of Washington, there is now concealed (identify the person or describe the property to be seized):

See Attachment B, incorporated herein by reference.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
☒ contraband, fruits of crime, or other items illegally possessed;
☒ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:


Code Section	Offense Description
21 U.S.C. § 841(a)(1)	Possession of Controlled Substances with Intent to Distribute
21 U.S.C. § 846	Conspiracy to Distribute Controlled Substances

The application is based on these facts:

- ☒ See Affidavit of Special Agent Steven Meyer continued on the attached sheet.

☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Pursuant to Fed. R. Crim. P. 4.1, this warrant is presented: ☐ by reliable electronic means; or: ☐ telephonically recorded.


Applicant's signature

Steven Meyer, Special Agent
Printed name and title

- ☐ The foregoing affidavit was sworn to before me and signed in my presence, or
☒ The above-named agent provided a sworn statement attesting to the truth of the foregoing affidavit by telephone.

Date: 03/24/2020


Judge's signature

City and state: Tacoma, Washington

Theresa L. Fricke, United States Magistrate Judge
Printed name and title

substances; the related laundering of monetary instruments; the conducting of monetary transactions involving the proceeds of specified unlawful activities; and conspiracies associated with criminal narcotics offenses. These investigations have included use of the following investigative techniques: confidential informants; undercover agents; analysis of pen register, trap and trace, and toll records; physical and electronic surveillance; wiretaps; and the execution of search warrants. I have had the opportunity to monitor, listen to, review transcripts and line sheets (prepared by linguists) documenting the content of intercepted conversations involving the trafficking of cocaine, heroin, methamphetamine, and other narcotics, by persons who used some form of code to thwart law enforcement. I have also interviewed defendants at the time of their arrests and have debriefed, spoken with, or interviewed numerous drug dealers or confidential sources (informants) at proffer interviews who were experienced in speaking in coded conversations over the telephone. I have gained knowledge regarding the various methods, techniques, codes, and/or jargon used by drug traffickers in the course of their criminal activities, including their use of cellular telephones and other electronic devices to facilitate communications while avoiding law enforcement scrutiny.

II. PURPOSE OF AFFIDAVIT

4. This Affidavit is submitted in support of an application for a warrant to search the following five cell phones, seized on March 11, 2020, and presently in the secure custody of the DEA in Tacoma, Washington (collectively, the "SUBJECT PHONES"), and which are further described in Attachment A, for evidence, fruits and instrumentalities of drug trafficking committed by Eder RAMIREZ PINO and Rigoberto GARCIA RIOS, in violation of Title 21, United States Code, Sections 841(a)(1) and 846, as further described in Attachment B. The SUBJECT PHONES are more particularly described as follows:

a. **A black iPhone cell phone, IMEI 353889103632856, number 253-495-5754**, seized from RAMIREZ PINO's Audi A8 on March 11, 2020, and assigned DEA exhibit number N-1;

1 b. **A red iPhone, IMEI 353967103374842, number 253-861-8393,**
2 seized from RAMIREZ PINO's Audi A8 on March 11, 2020, and assigned DEA
3 exhibit number N-2;

4 c. **A black Samsung S9 cell phone, IMEI 353306092285182,**
5 **number 253-754-8445,** seized from RAMIREZ PINO's Audi A8 on March 11,
6 2020, and assigned DEA exhibit number N-7;

7 d. **A black iPhone cell phone, number 206-234-9380,** seized from
8 Rigoberto GARCIA RIOS's Toyota Tacoma on March 11, 2020, and assigned
9 DEA exhibit number N-8; and

10 e. **A white iPhone cell phone,** seized from Rigoberto GARCIA
11 RIOS's work room at the Seattle/Tacoma Box Company on March 11, 2020, and
12 assigned exhibit number N-9.

13 In my training and experience, I know that the SUBJECT PHONES have been stored in a
14 manner in which their contents are, to the extent material to this investigation, in
15 substantially the same state as they were when the SUBJECT PHONES first came into
16 the possession of the DEA.

17 5. My knowledge of the facts set forth in this Affidavit is a result of my
18 personal participation in the investigation, my conversations with other law enforcement
19 personnel participating in this and related investigations, and my review of relevant
20 documents. I have obtained and read the official reports prepared by various law
21 enforcement officers participating in the instant investigation, and other investigations
22 discussed herein.

23 6. I know through training and experience, as well as the training and
24 experience of other law enforcement officers familiar with this investigation, that
25 individuals involved in the distribution of controlled substances and other criminal
26 activity often use vague references and/or coded words and phrases when discussing
27 illegal activity. In this investigation, these communications have been conducted in both
28 the English and Spanish languages, and the participants frequently used coded language

1 to refer to drug-trafficking activity. When coded words and phrases were used in the
 2 instant investigation, I have used my training and experience, as well as the training and
 3 experience of other law enforcement officers familiar with this investigation and
 4 information provided by confidential sources participating in this investigation, to include
 5 what I believe to be an accurate translation of these coded words and phrases inside
 6 parentheses throughout this Affidavit.

7 7. Since I am submitting this Affidavit for the limited purpose of establishing
 8 probable cause to obtain search warrants for the cell phones identified above and in
 9 Attachment A, I have set forth only the facts that I believe are necessary to establish
 10 probable cause for these warrants. As set forth herein, I believe that Eder RAMIREZ
 11 PINO and Rigoberto GARCIA RIOS used these phones to facilitate drug trafficking, in
 12 violation of Title 21, United States Code, Sections 841(a)(1) and 846.

13 III. CONFIDENTIAL SOURCES

14 8. Confidential Source One ("CS1") has been providing information to DEA
 15 investigators for approximately three years. More specifically, CS1 has provided reliable
 16 information which has resulted in arrests and seizures of narcotics, including
 17 methamphetamine. This information has benefited multiple law enforcement
 18 organizations, to include agencies at the Federal and State level. The information
 19 provided by CS1 has been corroborated and considered reliable. CS1 is providing
 20 information for monetary compensation and other legal considerations. CS1 has a
 21 criminal history that includes one felony arrest related to drug trafficking in 2002.

22 9. Confidential Source Two ("CS2") has been providing information and
 23 assistance to the DEA since 2015. CS2 has a criminal history consisting of one felony
 24 burglary conviction in 2012 and two felony drug trafficking arrests in which no charges
 25 were filed in 2006 and 2008. CS2 is currently providing information and assistance to
 26 the DEA in exchange for monetary compensation and immigration benefits. Since 2015,
 27 CS2 has provided reliable information and assistance to the DEA in numerous drug
 28 trafficking investigations. CS2 has conducted more than twenty controlled drug

1 purchases and provided information that was proven reliable and led to the arrest and
 2 convictions of numerous drug traffickers. CS2 is familiar with the appearance of
 3 methamphetamine, cocaine, and heroin, and the way they are packaged, transported, and
 4 sold.

5 **IV. SUMMARY OF PROBABLE CAUSE**

6 *Investigative Overview*

7 10. This investigation began as a joint law enforcement operation between the
 8 DEA, the West Sound Narcotic Enforcement Team, and Bremerton's Special Operations
 9 Group, and is ongoing. I have personally participated with the other agents and law
 10 enforcement officers involved in the investigation.

11 11. In January 2020, CS1 informed me that there were two drug traffickers
 12 operating in Tacoma, Washington, capable of delivering heroin and methamphetamine.
 13 At that time, CS1 provided a phone number for each target. A few days later, CS1 told
 14 agents that one of the targets wanted to provide heroin and methamphetamine to CS1.
 15 Agents directed CS1 to set up a meeting with the target.

16 12. At the end of January 2020, agents arranged for the acquisition of
 17 methamphetamine and heroin from the target, utilizing CS1. A Hispanic male, later
 18 identified as Eder RAMIREZ PINO, arrived at a pre-arranged meeting with CS1 in a blue
 19 2013 Nissan Maxima, Washington license BNR6295, and provided CS1 with
 20 approximately 30.9 gross grams of suspected methamphetamine and 32.7 gross grams of
 21 suspected heroin. These substances later field-tested positive for the presence of
 22 methamphetamine and heroin, respectively. Investigators searched CS1 and his/her
 23 vehicle before and after the meeting with RAMIREZ PINO and found no contraband
 24 items during either search. After the meeting, agents followed the blue Maxima to an
 25 apartment building on 97th Street Court S in Tacoma, Washington, where they observed
 26 the driver entering a stairwell.

27 13. Based on records obtained from the Washington Department of Licensing
 28 ("DOL"), agents were able to positively identify RAMIREZ PINO as the person who

1 provided CS1 with methamphetamine and heroin. The blue Maxima that arrived at the
2 meeting with CS1 was registered to RAMIREZ PINO at an apartment in the Tacoma
3 apartment complex that agents saw the driver of the Maxima enter after the meeting.
4 Moreover, agents later matched RAMIREZ PINO's DOL photograph with the person
5 they had observed driving the blue Maxima.

6 ***Arrest of RAMIREZ PINO and GARCIA RIOS***

7 14. On March 11, 2020, agents arranged for the acquisition of six kilograms of
8 methamphetamine and ten ounces of heroin from RAMIREZ PINO, utilizing CS2. CS2
9 advised agents that RAMIREZ PINO wanted to meet with CS2 to talk about the deal
10 prior to getting the narcotics for CS2. Investigators searched CS2 and his/her vehicle
11 prior to the initial meeting and before and after any subsequent interactions with
12 RAMIREZ PINO and found no contraband items during any of those searches. Agents
13 set up surveillance at the pre-arranged location for the meeting between RAMIREZ PINO
14 and CS2, and they observed RAMIREZ PINO arrive in a 2004 Audi A8, which is
15 registered to RAMIREZ PINO at an address in Tacoma, Washington. Shortly
16 thereafter, agents observed CS2 meet with RAMIREZ PINO for a brief period.

17 15. After the meeting, agents spoke with CS2, who stated that he/she and
18 RAMIREZ PINO had discussed the quantity and price of controlled substances that
19 RAMIREZ PINO could provide, and that RAMIREZ PINO had shown CS2 a sample of
20 heroin that RAMIREZ PINO retrieved from the Audi. According to CS2, RAMIREZ
21 PINO left the meeting to retrieve the drugs and would be returning later that afternoon to
22 conduct the deal.

23 16. After the meeting, RAMIREZ PINO left the area in the Audi A8, which he
24 drove to the Seattle/Tacoma Box Company and parked in a lot just outside of the gated
25 entrance to the company's industrial property. RAMIREZ PINO remained there, parked
26 and sitting in his vehicle, for more than half an hour. RAMIREZ PINO remained in the
27 parking lot until a 2015 Toyota Tacoma, Washington license C02578N, pulled into the
28 gated area of the box company property and parked.

1 17. Moments after the Toyota Tacoma arrived, agents observed RAMIREZ
2 PINO drive his vehicle past the business gates and onto the business property. The
3 Hispanic male driver of the Toyota Tacoma, later identified as Rigoberto GARCIA
4 RIOS, exited the truck and walked towards RAMIREZ PINO's vehicle. A few minutes
5 later, GARCIA RIOS returned to the Tacoma and drove it to the area in which
6 RAMIREZ PINO was parked. Agents observed GARCIA RIOS and RAMIREZ PINO
7 meet with each other for a short period of time, after which agents saw GARCIA RIOS
8 exit the Tacoma and approach a 2001 Volkswagen Jetta bearing Washington license plate
9 BSJ4961 that was parked on the box company's property. GARCIA RIOS pulled a black
10 bag out of the Jetta, which looked like it contained an object of some kind. GARCIA
11 RIOS carried the black bag to RAMIREZ PINO's Audi, where he quickly lowered it into
12 the trunk. GARCIA RIOS then took the black bag out of the trunk of the Audi, and
13 agents observed that the bag appeared to be empty. GARCIA RIOS then returned to the
14 box company and RAMIREZ PINO drove away from the area.

15 18. Agents observed RAMIREZ PINO drive back to the deal location and meet
16 with CS2 again. After a brief meeting, RAMIREZ PINO departed and drove directly
17 back to the Seattle/Tacoma Box Company. Agents established surveillance at the
18 business and noted that RAMIREZ PINO's vehicle was again parked next to the Toyota
19 Tacoma in the box company's parking lot. At the time of this second meeting, the gates
20 to the box company property were closed and secured, and agents believed that the two
21 men were using the security fencing/gate of the business as an extra layer of protection
22 for drug trafficking.

23 19. Agents moved to detain RAMIREZ PINO and GARCIA RIOS. RAMIREZ
24 PINO was stopped in his vehicle as he exited the parking lot, and GARCIA RIOS
25 attempted to hide on the box company's property but was quickly apprehended. Both
26 RAMIREZ PINO and GARCIA RIOS were arrested and given Miranda warnings, which
27 they acknowledged and agreed to waive to speak with agents.
28

1 manager, the work room was most often used by GARCIA RIOS, but several people
2 (including himself) had keys to the room and accessed the room to retrieve cleaning
3 supplies. The night manager also reported that he had observed GARCIA RIOS
4 accessing the room at odd hours and that GARCIA RIOS left several vehicles, including
5 the Jetta, at the facility.

6 25. Agents went to the work room and observed that it contained large metal
7 working machines, cleaning equipment, and work benches. Agents initially located
8 suspected drugs and drug packaging materials in a toolbox in the room.

9 26. Agents then deployed a drug-sniffing canine in the work room, and the
10 canine alerted to one of the walls in the room. An investigator used a pre-existing gap in
11 that wall to peer down into the wall, between the studs. There, he found numerous plastic
12 bags containing a variety of suspected drugs, to include methamphetamine, heroin,
13 cocaine, and what agents believe to be counterfeit oxycodone pills.¹ The pills were not
14 field-tested, because agents believed, based on their training and experience, that they
15 may contain fentanyl. The other substances recovered from the work room field-tested
16 positive for the presence of controlled substances.

17 27. Agents also recovered a **white iPhone cell phone**, which was sitting on a
18 desk in the work room. An agent asked GARCIA RIOS who the phone belonged to, and
19 GARCIA RIOS said it was his phone.

20 28. I believe the information contained in these cell phones will provide further
21 evidence in the investigation. I believe the information will provide details about
22 GARCIA RIOS and RAMIREZ PINO's relationship; which, at this point, I believe is a
23 supplier/courier relationship. I believe the information on these cell phones will help
24 identify additional members of this drug trafficking organization, such as customers,
25 distributors, and—most importantly—GARCIA RIOS's source(s) of supply. I also
26

27 ¹ Agents seized approximately 2491.6 gross grams of methamphetamine, approximately 2843.3 gross grams of
28 heroin, approximately 235.4 gross grams of cocaine, and what agents believe to be approximately 995.5 gross grams
of counterfeit oxycodone pills from GARCIA RIOS's work room.

1 believe the information stored on these devices will help agents identify additional
 2 locations of interest and significance to this investigation, through the use of the stored
 3 tracking data or location history that is on or associated to these devices.

4 29. Based on my training and experience, I believe GARCIA RIOS's use of the
 5 business property was no accident; it provided a secure and discreet location for him to
 6 conduct his drug transactions. I believe his chosen method of storage (in the walls of his
 7 office) and the fact that he used multiple storage vehicles to conduct transactions with
 8 RAMIREZ PINO further demonstrate his level of sophistication. And lastly, I believe
 9 the quantities and types of drugs involved in this incident indicate RAMIREZ PINO and
 10 GARCIA RIOS are part of a larger criminal organization, with a significant
 11 supply/distribution network here in Western Washington. Again, I believe the
 12 information contained in the cell phones agents seized from RAMIREZ PINO and
 13 GARCIA RIOS will provide agents with additional information that will be significant to
 14 the ongoing investigation into this criminal organization.

15 **VI. COMMON CHARACTERISTICS OF DRUG TRAFFICKERS AND** 16 **MONEY LAUNDERERS**

17 30. Based upon my training, experience, and participation in this and other
 18 investigations involving narcotics trafficking, my conversations with other experienced
 19 investigators and law enforcement investigators with whom I work, and interviews of
 20 individuals who have been involved in the trafficking of methamphetamine, cocaine,
 21 oxycodone, fentanyl and other drugs, I have learned and know the following.

22 31. Drug traffickers use mobile electronic devices including cellular telephones
 23 and other wireless communication devices to conduct their illegal trafficking business.
 24 As described below, such equipment often contains evidence of these illegal activities.

25 32. Traffickers of controlled substances commonly maintain addresses,
 26 vehicles, or telephone numbers that reflect names, addresses, vehicles, and/or telephone
 27 numbers of their suppliers, customers, and associates in the trafficking organization, and
 28 it is common to find drug traffickers keeping records of said associates in cellular

1 telephones and other electronic devices. Traffickers often maintain cellular telephones
2 for ready access to their clientele and to maintain their ongoing narcotics business.
3 Traffickers frequently change their cellular telephone numbers to avoid detection by law
4 enforcement, and it is common for traffickers to use more than one cellular telephone at
5 any one time.

6 33. Drug traffickers use cellular telephones as a tool or instrumentality in
7 committing their criminal activity. They use them to maintain contact with their
8 suppliers, distributors, and customers. They prefer cellular telephones because, first, they
9 can be purchased without the location and personal information that landlines require.
10 Second, they can be easily carried to permit the user maximum flexibility in meeting
11 associates, avoiding police surveillance, and traveling to obtain or distribute drugs.
12 Third, they can be passed between members of a drug conspiracy to allow substitution
13 when one member leaves the area temporarily. Since cellular phone use became
14 widespread, every drug dealer I have interacted with has used one or more cellular
15 telephones for his or her drug business. I also know that it is common for drug traffickers
16 to retain in their possession phones that they previously used, but have discontinued
17 actively using, for their drug trafficking business. Based on my training and experience,
18 the data maintained in a cellular telephone used by a drug dealer is evidence of a crime or
19 crimes. This includes the following:

20 a. The assigned number to the cellular telephone (known as the mobile
21 directory number or MDN), and/or the identifying telephone serial number (Electronic
22 Serial Number (ESN), Mobile Identification Number (MIN), International Mobile
23 Subscriber Identity (IMSI) number, or International Mobile Equipment Identity (IMEI)
24 number) are important evidence because they reveal the service provider, allow agents to
25 obtain subscriber information, and uniquely identify the telephone. This information can
26 be used to obtain toll records, to identify contacts by this telephone with other cellular
27 telephones used by co-conspirators, to identify other telephones used by the same
28

1 subscriber or purchased as part of a package, and to confirm if the telephone was
2 contacted by a cooperating source.

3 b. The stored list of recent received calls and sent calls is important
4 evidence. It identifies telephones recently in contact with the telephone user. This is
5 valuable information in a drug investigation because it will identify telephones used by
6 other members of the organization, such as suppliers, distributors and customers, and it
7 confirms the date and time of contacts. If the user is under surveillance, it identifies what
8 number he called during or around the time of a surveilled drug transaction or meeting.
9 Even if a contact involves a telephone user not part of the conspiracy, the information is
10 helpful (and thus is evidence) because it leads to friends and associates of the user who
11 can identify the user, help locate the user, and provide information about the user.
12 Identifying a defendant's law-abiding friends is often just as useful as identifying his
13 drug-trafficking associates.

14 c. Stored text messages are important evidence, similar to stored
15 numbers. Agents can identify both drug associates, and friends of the user who likely
16 have helpful information about the user, his location, and his activities.


17 d. Photographs and videos on a cellular telephone are evidence because
18 they help identify the user, either through his or her own picture, or through pictures of
19 friends, family, and associates that can identify the user. Pictures also identify associates
20 likely to be members of the drug trafficking organization. Some drug traffickers
21 photograph groups of associates, sometimes posing with weapons and showing
22 identifiable gang signs. Also, digital photos often have embedded "geocode" information
23 within them. Geocode information is typically the longitude and latitude where the photo
24 was taken. Showing where the photo was taken can have evidentiary value. This
25 location information is helpful because, for example, it can show where coconspirators
26 meet, where they travel, and where assets might be located.

1 e. Stored address records are important evidence because they show the
2 user's close associates and family members, and they contain names and nicknames
3 connected to phone numbers that can be used to identify suspects.


4 f. It is common for drug traffickers to use encrypted means of
5 communication, such as WhatsApp, Signal, Wickr, and Telegram, to attempt to avoid
6 detection by law enforcement. It is common for drug traffickers to install and use these
7 apps on their phones in order to make encrypted calls and send encrypted messages.

8 VII. CONCLUSION

9 34. For the reasons set forth above, I believe there is probable cause to believe
10 that evidence, fruits, and instrumentalities of violations of Title 21, United States Code,
11 Sections 841(a)(1) and 846, will be found in a search of the five cellular phones seized by
12 law enforcement on March 11, 2020, as more fully described in Attachment A, which are
13 presently in the secure custody of the DEA in Tacoma, Washington.

14
15
16 
17 Steven Meyer
18 Special Agent
19 Drug Enforcement Administration

20 The above-named agent provided a sworn statement attesting to the truth of the
21 foregoing affidavit by telephone on this 24th day of March, 2020.

22
23
24 
25 THERESA L. FRICKE
26 United States Magistrate Judge
27
28